

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, A Minor,
by and through her Guardian
ad Litem, WILFRED SCOTT,

Case No. C-11-04759 JCS

Plaintiff,

ORDER GRANTING PETITION FOR
GUARDIAN AD LITEM AND REQUESTING
A FINANCIAL DECLARATION FROM
PLAINTIFF'S GUARDIAN AD LITEM

v.

RYAN GILL, et al.,

Defendants.

I. INTRODUCTION

On September 23, 2011, Wayne Johnson, counsel for Jane Doe, filed a petition to appoint Wilfred Scott to serve as Jane Doe's Guardian ad Litem in the above-entitled action ("Petition"). An Application to Proceed In Forma Pauperis was filed on the same day. For the reasons set forth below, the Court GRANTS the Petition and requests further information in support of the Application to Proceed In Forma Pauperis.

II. THE PETITION

Wilfred Scott, "Husband of the Aunt of the Minor," has attested in the Petition that he "is fully competent to understand and qualified to protect the rights of the minor." Petition at ¶¶ 4, 7. Mr. Scott has further declared that he "is willing to serve as the guardian ad litem for the minor and has no interest adverse to that of the minor." *Id.* at ¶ 7. For these reasons, and because the Court has received no opposition to the Petition, IT IS HEREBY ORDERED that Wilfred Scott is appointed as Guardian ad Litem for Plaintiff Jane Doe.

III. THE APPLICATION TO PROCEED IN FORMA PAUPERIS

Title 28 U.S.C. § 1915(a) requires that a party seeking to proceed *in forma pauperis* submit an affidavit declaring that “he is unable to pay” Court costs. The minor plaintiff in this action has submitted a declaration of her inability to pay. The guardian *ad litem*, however, has not submitted any evidence of an inability to pay. “[W]here leave to proceed *in forma pauperis* is sought to vindicate the alleged substantive rights of a minor, the financial resources of both the minor and the volunteer parent, next friend, or guardian *ad litem* should be considered in determining ability to pay the costs of litigation.” *Cottingham v. Bd. of Educ. of the Emery Unified Sch. Dist., et al.*, 1993 WL 79698, at *1 (N.D. Cal. March 15, 1993) (citing *Williams v. Spencer*, 455 F.Supp. 205, 209 (D. Md. 1978)).

Accordingly, Wilfred Scott is requested to complete the Court’s standard form in support of the Application to Proceed In Forma Pauperis, providing his own financial information, no later than Monday, October 17, 2011.

IT IS SO ORDERED.

Dated: October 3, 2011


JOSEPH C. SPERO
United States Magistrate Judge